

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**DANIEL D. DILLARD,
TDCJ No. 1400285,**

Plaintiff,

v.

LORIE DAVIS, *et al.*,

Defendants.

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Civil Action No. 7:19-cv-00081-M-BP

ORDER

Before the Court is Plaintiff's Application to Proceed in Forma Pauperis filed on September 12, 2022, in which Plaintiff seeks to proceed *in forma pauperis* on appeal. ECF No. 250. Upon review of the Application, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (ECF No. 253), and the Objections (ECF No. 255), the Court finds and orders as follows:

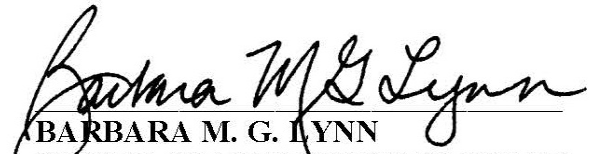
The Application to Proceed in Forma Pauperis on appeal, filed pursuant to 28 U.S.C. § 1915, is **DENIED**. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that the appeal is not taken in good faith.

REASONS FOR CERTIFICATE: The judgment entered in Plaintiff's case was not a "final decision" as provided in 28 U.S.C. § 1291, and Plaintiff's appeal likely will be dismissed for lack of jurisdiction. In support of this certificate, the Court hereby adopts and incorporates by reference the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (ECF No. 253).

Although the Court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3), Plaintiff may challenge this finding by filing a separate motion to proceed *in forma*

pauperis on appeal with the Clerk of Court, United States Court of Appeals for the Fifth Circuit, within 30 days of this order. *See* Fed. R. App. P. 24(a)(5); *Baugh v. Taylor*, 117 F.3d 197, 201-02 (5th Cir. 1997).

SO ORDERED this 19th day of October, 2022.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE